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STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

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IN THE MATTER OF THE GUARDIANSHIP PROCEEDING FOR ALFONSO G. SANCHEZ, AN ALLEGED INCAPACITATED PERSON.

PETITION FOR TEMPORARY EMERGENCY APPOINTMENT OF GUARDIAN AND CONSERVATOR AND APPOINTMENT OF GUARDIAN AND CONSERVATOR

COMES NOW Petitioner, CECILIA SANCHEZ, and states to the Court as follows:

- 1. Petitioner CECILIA SANCHEZ is interested in this matter as the wife of ALFONSO G. SANCHEZ, the incapacitated person for whom protection is sought. Therefore, Petitioner is an interested person as defined by NMSA 1978, § 45-5-101(I)(1975).
- 2. ALFONSO G. SANCHEZ, the incapacitated person for whom protection is sought, is 83 years old and resides at 2853 Calle Princesa Juana, Santa Fe, NM 87507, Phone (505) 471-3053. ALFONSO G. SANCHEZ is an incapacitated person within the meaning of NMSA 1978 §45-5-101 (1975), and is under a disability warranting protection by reason of physical illness or disability as a result of Alzheimer's.
- 3. No one has been appointed temporary or permanent guardian or conservator for ALFONSO G. SANCHEZ.
 - 4. ALFONSO G. SANCHEZ has four (4) children who are:

<u>Name</u>

Address and Telephone Number

Age

ARLENE SANCHEZ

109 Diamond Tail Rd. Placitas, NM 87043

Adult **EXHIBIT**



(505) 867-8228

ALICIA ROBINSON

1023 Provo Court NE

Adult

Albuquerque, NM 87123

505-974-1332

PEGGY SANCHEZ

PO BOX 5000 24515 (1995) (No. 1)

Adult

Espanola, NM 87532

(505) 603-8062

TOMMY SANCHEZ

THE REST

1704B Llano Street #150

Adult

Santa Fe, NM 87505 (505) 310-9601

- 5. At the present time, ALFONSO G. SANCHEZ lives in his home.
- 6. ALFONSO G. SANCHEZ is a long-time practicing attorney and was a former Santa Fe, New Mexico District Attorney for twelve years. ALFONSO G. SANCHEZ is currently looking for work as an assistant District Attorney or in Legal Aid and became upset when his personal physician refused to write a letter of recommendation to the DA's office. Petitioner believes that due to Alzheimer's ALFONSO G. SANCHEZ is unable to perform the duties and responsibilities of his profession and should be placed on inactive status by the State Bar of New Mexico.
- 7. The name and address of the person whose appointment is sought as temporary and permanent guardian and temporary and permanent conservator is CECILIA SANCHEZ, 109 Diamond Tail Rd. Placitas, NM 87043, Phone (505) 867-8228.
- 8. As far as known to the Petitioner, the property in which ALFONSO G. SANCHEZ has an interest and which is sought to be protected includes Certificates of Deposit, checking and savings accounts, Social Security payments, various items of personal property and real estate, all of unknown amounts. Petitioner believes that because of the physical illness or disability due to Alzheimer's, ALFONSO G.

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SANCHEZ is unable to care for himself or manage his property and affairs effectively and that such property may be wasted or dissipated unless proper management is provided. Funds are also needed for the support, care and welfare of ALFONSO G. SANCHEZ and, therefore, protection is necessary to protect and provide such funds.

- 9. Mr. SANCHEZ is currently spending large amounts of money to create a mega tourist attraction on acreage he and his wife own. He spent \$5,000.00 dollars in June on supplies, purchased a truck which cost more to repair than to purchase a new truck.
- 10. Mr. SANCHEZ tried to buy a piece of property and told his wife that he had secured an interest-free loan from the bank. When Mrs. SANCHEZ went to the bank, she discovered he had written a check against her credit card.
- 11. Recently Mr. SANCHEZ went to pick up new glasses and became verbally abusive when told they were not ready. The staff called Mrs. SANCHEZ and asked that he not return or they would call the police. Mr. SANCHEZ is also verbally abusive toward his wife and daughters when they try to talk to him about financial matters.
- 12. Upon information and belief, ALFONSO G. SANCHEZ has not previously executed a Power of Attorney for health care or financial matters. Petitioner believes that no other person with priority pursuant to NMSA 1978 §§ 45-5-311 (1975) and 45-5-410 (1975) is willing or able to act as guardian and conservator for ALFONSO G. SANCHEZ.
- 13. ALFONSO G. SANCHEZ's personal physician, Dr. FEN SARTORIUS MD. of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994, has completed a report, which is attached as Exhibit "A" to this Petition. As stated in Dr. SARTORIUS's report,

ALFONSO G. SANCHEZ suffers from Alzheimer's and is not capable of managing his own financial affairs and that Mr. SANCHEZ poses a risk to himself and others and needs a Guardian. Petitioner requests that Dr. SARTORIUS, of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994 be appointed as the Qualified Health Care Professional to examine ALFONSO G. SANGHEZ in connection with this Petition, pursuant to NMSA 1978 §\$45-5-407(D) (1975) and 45-5-303 (1989)(D). Petitioner requests that the report of Dr. SARTORIUS be adopted by the Court as the Report of the Qualified Health Care.

- 14. KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87504, Phone (505) 412-2209, is qualified and willing to serve as Guardian ad Litem in this matter.
- 15. MARY GALVEZ, of GUARDIANSHIP AND GARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, is qualified and willing to serve as visitor in this matter.
- Pursuant to NMSA 1978 §45-5-408(A) (1989), Petitioner requests that this Court preserve the property of ALEONSQ G. SANCHEZ and ensure that he has proper sare while this *Petition for Appointment of Guardian and Conservator* is pending. Petitioner, therefore, requests that this Court appoint Petitioner, CECILIA SANCHEZ, as temperary guardian and temporary conservator while this action is pending. Serious, immediate and irreparable harm to the physical health of ALFONSQ G. SANCHEZ, or his estate and financial affairs, or both, will occur if Petitioner is not immediately appointed as his temporary guardian and Petitioner is not immediately appointed as his temporary conservator. Petitioner, therefore, requests that this Court appoint her as temporary guardian and conservator while this action is pending.

WHEREFORE, for all the reasons stated herein, Petitioner prays that:

- A. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary guardian of ALFONSO G. SANCHEZ and issue Letters of Temporary Guardianship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;
- B. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary conservator of the estate of ALFONSO G. SANCHEZ and issue Letters of Temporary Conservatorship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;
- C. The Court order that all financial institutions cooperate with the temporary Conservator by giving her access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate. The Court order that the Conservator have access to all of ALFONSO G. SANCHEZ's financial accounts, including but not limited to the following accounts: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account;
- D. The Court immediately enter an order allowing CECILIA SANCHEZ as Temporary Conservator of the Estate of ALFONSO G. SANCHEZ to take all necessary steps to preserve and protect his financial assets.

- E. The Court order the Guardian and Conservator to notify the State Bar that ALFONSO G. SANCHEZ is under guardianship and conservatorship and ask the Bar to put him on inactive status.
- F. The Court appoint KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209, as guardian *ad litem* to represent ALFONSO G. SANCHEZ. Ms. Fitz Gibbon shall thereafter submit her report to the Court, or provide other services as may be required by law;
- G. The Court appoint MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, as visitor for ALFONSO G. SANCHEZ. Ms. Galvez shall thereafter submit a written report to the Court;
- H. The Court appoint Dr. FEN SARTORIUS as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of ALFONSO G. SANCHEZ, and accept Dr. FEN SARTORIUS's Report regarding the clinical condition of ALFONSO G. SANCHEZ that is attached as Exhibit "A" as the final Report of the Qualified Health Care Professional;
- I. That a hearing on Petitioner's permanent appointment as guardian and conservator for ALFONSO G. SANCHEZ be set by the Court as soon as possible,
- J. The Court appoint CECILIA SANCHEZ as guardian and CECILIA SANCHEZ as conservator for ALFONSO G. SANCHEZ, and Letters of Guardianship be

duly issued to CECILIA SANCHEZ and Letters of Conservatorship be duly issued to CECILIA SANCHEZ; and

K. For such other and further relief as this Court deems just and proper.

CECILIA SANCHEZ

Respectfully submitted,

SWAIM & FINLAYSON, P.C.

BY:

Jeanine R. Steffy
Attorneys for Petitioner
4830 Juan Tabo, N.E., Suite F
Albuquerque, New Mexico 87111
(505) 237-0064

	VERIFICATION		#### #	
STATE OF NEW MEXICO	1.)	١.		
COUNTY OF BERNALILLO) ss.)			
states that she is the above-na foregoing Petition for Appoint therein are true and correct to the	ment of Guardian and C	has read ar conservator,	nd understands	the
	ed o porta es			
	CECILIA SANCH	HEZ	•	
SUBSCRIBED AND SWO by CECILIA SANCHEZ, who ap to me on the basis of satisfactor foregoing instrument, and ackn and deed after first taking a vow	y evidence) the person na lowledged that she execu	known to named in, and uted the sar	ne to be (or pro	over d the
My Commission Expires:	NOTARY PUBLI	C		

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ENDORSED

STATE OF NEW MEXICO COUNTY OF SANTA FE FIRST VIDDICIAE DISTRICT COURT CALL AND A CONTROL OF

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CECILIA SANOHEZ of 109 Diamor



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ORDER APPOINTING HEALTH CARE PROFESSIONAL, GUARDIAN AD LITEM COURT VISITOR AND TEMPORARY GUARDIAN HOUS AND CONSERVATOR

acitis 414 97043, Phone The Petitioner shall request a hearing on the Petition for Appointment of CRNO-LA briedeur can be revigenso yearing and woner 6518-788 (300)

Permanent Guardian and Conservator filed in the above-entitled matter. Notice as אינופא מין אינובל, אינובל אינובל

shall be given pursuant to NMSA 1978 §§45-1-401, 45-5-309 and 45-5-405

(1978), to all persons entitled thereto.

This Court, having considered the Petilion for Temporary Emergency and of this local case court to participate the end of our participant of the p

Appointment of Guardian and Conservator and Appointment of Guardian and

Conservator pursuant to NMSA 1978 \$\$45-5-310 and 45-5-408 (a) (1989) and for the protection of the person and property of ALFONSO G. S. pursuant thereto FINDS:

- 1. Venue is proper in Santa Fe County.
- 2. The alleged incapacitated person has no guardian or conservator previously appointed. PE 145 £ 5 **;
- 3. The person sought to be protected is in need of care and has property that needs preservation and protection for his benefit prior to the appointment of a permanent conservator.

44 PA (1975);

- 4. Appointment of a temporary guardian and a temporary conservator is necessary because the person sought to be protected is unable to care for himself and his property effectively and since ALFONSO G. SANCHEZ is mentally and physically disabled and is need of medical attention, serious, immediate and irreparable harmwill occur if CECILIA SANCHEZ is not appointed as temporary guardian and temporary conservator until such time as a hearing on permanent appointments can be made.
- 5. CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 is now the primary caregiver for her husband, ALFONSO G. SANCHEZ, and is an appropriate person competent to serve as temporary guardian and temporary conservator.
- 6. Any previous powers of attorney should be revoked.
- 7. Bond is not required due to the relationship of the person sought to be protected and the temporary guardian and conservator.
- 8. The Court should appoint Dr. FEN SARTORIUS M.D. of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994, as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of this individual.
- Kate Fitz Gibbon of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is willing, qualified and should be appointed Guardian ad litem to represent ALFONSO G. SANCHEZ.

10. Mary Galvez, of Guardianship And Care Management Services, P. O.

Box 11065; Albuquerque, NM-87492; (505) 942-5561 is willing, qualified and should be appointed count visitor solbert as 1, 22 m of the little of the little

A. effocietal sanchez of 109/Diamond Tall Ros Placitas NM 87043,
Phone (505) 867-8228 is appointed Temporary Guardian and Temporary
Conservator for ALFONSO G. SANCHEZ without bond. The temporary
guardianship and conservatorship shall dontinue until a hearing of the matter of
permanent appointments is held, stages transmissed in autilinous their reservations.

BELLORIUS GPHG pulpose of this pioceoding shall be of sword ech avert lists or the SARTORIUS of the Professional and the Residence of the Court of t

West San Francisco St., Suite 2020, Santa Fe, NM 87501, Phone (505) 4122209 is appointed Guardian ad Inten; It was the control of the contr

Box 11065, Albuquerque, NM 87192, (505) 480-6541 is appointed Court Visitor;

E. The powers of the Temporary Guardian shall include the authority to make placement decisions and mental health treatment decisions for "ALFONSO G. SANCHEZ, including the authority to approve the administration of

psychotropic medications, and to approve the injection of those medications, should the interest of ALFONSO G. SANCHEZ as recommended by a physician, and to make those medical decisions necessary to avoid the threat of harm to ALFONSO G. SANCHEZ;

- F. The powers of the Temporary Conservator shall include the authority to use the assets of ALFONSQ.G. SANCHEZ as reasonably necessary to pay for his care.
- G. The powers of the Temporary Guardian and Temporary

 Conservator shall continue until permanent appointment of a guardian and

 conservator, but no longer than sixty days from the date of the Court's Order.
- H. Letters of Temporary Guardianship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 and Letters of Temporary Conservatorship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Blacitas, NM 87043, Phone (505) 867-8228 who shall have the power to act independently on behalf of ALFONSO G. SANCHEZ of his estate without joindener consent of ALFONSO G. SANCHEZ;
 - Any previous powers of attorney are hereby revoked;
- J. The Temporary Conservator shall have access to all financial accounts in which ALFONSO G. SANCHEZ has an interest, whether separate or community.
- K. All financial institutions where ALFONSO G. SANCHEZ has a financial interest shall cooperate with the Temporary Conservator and the

Temporary Conservator shall have access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate.

- L. Any financial institutions shall recognize the authority of the Temporary Guardian and Conservator and allow CECILIA SANCHEZ access to YE all financial records and the ability to transact all financial business of Behalf of the ALFONSO G. SANCHEZ for accounts including but not limited to the following:

 Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account.
- M. The Temporary Conservator shall not sell any assets of ALFONSO G. SANGHEZ without the approval of this Court, and shall only spend funds of the Estate to ensure proper care for ALFONSO G. SANCHEZ and his estate until the hearing on the permanent appointment of a guardian and conservator is held;
- N. The Guardian ad Litem and the Court Visitor appointed by the Court in this matter, Kate Fitz Gibbon and Mary Galvez shall have access to any and all medical and/or financial information relevant to this person and any provider is hereby authorized to release copies of such records and information to the Guardian ad Litem and Court Visitor. The Guardian ad Litem or Visitor sign a release for the purpose of obtaining those records. Disclosure of ALFONSO G. SANCHEZ's medical and financial information in this context shall not subject the disclosing party to liability nor be considered a violation of HIPAA or similar laws.

 ORIGINAL SIGNED BY: JUDGE BARBARA VIGIL

DISTRICT COURT JUDGE

(505) 867-8228

ALICIA ROBINSON

1023 Provo Court NE

Adult

Albuquerque, NM 87123

505-974-1332

PEGGY SANCHEZ

PO BOX 1818 2451 - 10 165 3 46 1 35 19 19 19

Espanola, NM 87532

(505) 603-8062

TOMMY SANCHEZ

REMEMBER

1704B Llano Street #150

Adult

Santa Fe, NM 87505

(**505) 310-96**01 (1986) (1986) (1986)

- 5. At the present time, ALFONSO G. SANCHEZ lives in his home.
- 6. ALFONSO G. SANCHEZ is a long-time practicing attorney and was a former Santa Fe, New Mexico District Attorney for twelve years. ALFONSO G. SANCHEZ is currently looking for work as an assistant District Attorney or in Legal Aid and became upset when his personal physician refused to write a letter of recommendation to the DA's office. Petitioner believes that due to Alzheimer's ALFONSO G. SANCHEZ is unable to perform the duties and responsibilities of his profession and should be placed on inactive status by the State Bar of New Mexico.
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- 12. Upon information and belief, ALFONSO G. SANCHEZ has not previously executed a Power of Attorney for health care or financial matters. Petitioner believes that no other person with priority pursuant to NMSA 1978 §§ 45-5-311 (1975) and 45-5-410 (1975) is willing or able to act as guardian and conservator for ALFONSO G. SANCHEZ.
- 13. ALFONSO G. SANCHEZ's personal physician, Dr. FEN SARTORIUS MD. of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994, has completed a report, which is attached as Exhibit "A" to this Petition. As stated in Dr. SARTORIUS's report,

ALFONSO G. SANCHEZ suffers from Alzheimer's and is not capable of managing his own financial affairs and that Mr. SANCHEZ poses a risk to himself and others and needs a Guardian. Petitioner requests that Dr. SARTORIUS, of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994 be appointed as the Qualified Health Care Professional to examine ALFONSO G. SANGHEZ in connection with this Petition, pursuant to NMSA 1978 §\$45-5-407(D) (1975) and 45-5-303 (1989)(D). Petitioner requests that the report of Dr. SARTORIUS be adopted by the Court as the Report of the Qualified Health Care.

- 14. KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209, is qualified and willing to serve as Guardian ad Litem in this matter.
- 15. MARY GALVEZ, of GUARDIANSHIP AND GARE MANAGEMENT SERVICES, PO Box 14065, Albuquerque, NM 87192, Phone (505) 480-6541, is qualified and willing to serve as visitor in this matter.
- Pursuant to NMSA 1978 §45-5-408(A) (1989), Petitioner requests that this Court preserve the property of ALEONSO G. SANCHEZ and ensure that he has proper care while this *Petition for Appointment of Guardian and Conservator* is pending. Petitioner, therefore, requests that this Court appoint Petitioner, CECILIA SANCHEZ, as temperary guardian and temporary conservator while this action is pending. Serious, immediate and irreparable harm to the physical health of ALFONSO G. SANCHEZ, or his estate and financial affairs, or both, will occur if Petitioner is not immediately appointed as his temporary guardian and Petitioner is not immediately appointed as his temporary conservator. Petitioner, therefore, requests that this Court appoint her as temporary guardian and conservator while this action is pending.

WHEREFORE, for all the reasons stated herein, Petitioner prays that:

- A. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary guardian of ALFONSO G. SANCHEZ and issue Letters of Temporary Guardianship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;
- B. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary conservator of the estate of ALFONSO G. SANCHEZ and issue Letters of Temporary Conservatorship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;
- C. The Court order that all financial institutions cooperate with the temporary Conservator by giving her access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate. The Court order that the Conservator have access to all of ALFONSO G. SANCHEZ's financial accounts, including but not limited to the following accounts: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account;
- D. The Court immediately enter an order allowing CECILIA SANCHEZ as Temporary Conservator of the Estate of ALFONSO G. SANCHEZ to take all necessary steps to preserve and protect his financial assets.

- E. The Court order the Guardian and Conservator to notify the State Bar that ALFONSO G. SANCHEZ is under guardianship and conservatorship and ask the Bar to put him on inactive status.
- F. The Court appoint KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209, as guardian *ad litem* to represent ALFONSO G. SANCHEZ. Ms. Fitz Gibbon shall thereafter submit her report to the Court, or provide other services as may be required by law;
- G. The Court appoint MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, as visitor for ALFONSO G. SANCHEZ. Ms. Galvez shall thereafter submit a written report to the Court;
- H. The Court appoint Dr. FEN SARTORIUS as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of ALFONSO G. SANCHEZ, and accept Dr. FEN SARTORIUS's Report regarding the clinical condition of ALFONSO G. SANCHEZ that is attached as Exhibit "A" as the final Report of the Qualified Health Care Professional;
- I. That a hearing on Petitioner's permanent appointment as guardian and conservator for ALFONSO G. SANCHEZ be set by the Court as soon as possible,
- J. The Court appoint CECILIA SANCHEZ as guardian and CECILIA SANCHEZ as conservator for ALFONSO G. SANCHEZ, and Letters of Guardianship be

duly issued to CECILIA SANCHEZ and Letters of Conservatorship be duly issued to CECILIA SANCHEZ; and

K. For such other and further relief as this Court deems just and proper.

CECILIA SANCHEZ

Respectfully submitted,

SWAIM & FINLAYSON, P.C.

BY:_

Jeanine R. Steffy
Attorneys for Petitioner
4830 Juan Tabo, N.E., Suite F
Albuquerque, New Mexico 87111
(505) 237-0064

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STATE OF NEW MEXICO	·) ·	tan e		N ₁		
COUNTY OF BERNALILLO) ss.)					
CECILIA SANCHEZ, of I states that she is the above-na foregoing Petition for Appoint therein are true and correct to the	med petion	tioner, that s ∋uardian an her knowled	he has d Cons	read an ervator,	d understaı	nds the
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My Commission Expires:	ī	NOTARY PU	BLIC		,	

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ENDORSED

STATE OF NEW MEXICO **COUNTY OF SANTA FE** FIRSTUDDICIAE DISTRICT COURT : A CARROLLE CARSALIGA & 289

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PARTIES OF SHIPPERS SANGHEZ S

Santa Fe, Rio Airba & Sente Fe, NIX 87 694 2740

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ORDER APPOINTING HEALTH CARE PROFESSIONAL, GUARDIAN AD LITEM, COURT VISITOR AND TEMPORARY GUARDIAN HOUS AND CONSERVATOR

CECILIA SANCHEZ of 109 Digmond

The Petitioner shall request a hearing on the Petition for Appointment of CRNO-LA briedesir less in revigeres yearing art works 8528-788 (300)

Permanent Guardian and Conservator filed in the above-entitled matter. Notice as above a serve as appropriate personal research and Children and Conservator filed in the above-entitled matter. Notice

shall be given pursuant to NMSA 1978 §§45-1-401, 45-5-309 and 45-5-405 (1978), to all persons entitled thereto.

This Court, having considered the Petition for Temporary Emergency Appointment of Guardian and Conservator and Appointment of Guardian and Conservator pursuant to NMSA 1978 \$\$45-5-310 and 45-5-408 (a) (1989) and

for the protection of the person and property of ALFONSO G. S pursuant thereto FINDS: 1. Mar. Mr. S.

1. Venue is proper in Santa Fe County,

2. The alleged incapacitated person has no guardian or conservator previously appointed. t: + :::() pr

3. The person sought to be protected is in need of care and has property that needs preservation and protection for his benefit prior to the appointment of a permanent conservator.

- 4. Appointment of a temporary guardian and a temporary conservator is necessary because the person sought to be protected is unable to care for himself and his property effectively and since ALFONSO G. SANCHEZ is mentally and physically disabled and in need of medical attention, serious, immediate and irreparable harm will occur if CECILIA SANCHEZ is not appointed as temporary guardian and temporary conservator until such time as a hearing on permanent appointments can be made:
- 5. CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 is now the primary caregiver for her husband, ALFONSO G. SANCHEZ, and is an appropriate person competent to serve as temporary guardian and temporary conservator.
- 6. Any previous powers of attorney should be revoked.
- 7. Bond is not required due to the relationship of the person sought to be protected and the temporary guardian and conservator.
- 8. The Court should appoint Dr. FEN SARTORIUS M.D. of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994, as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of this individual.
- Kate Fitz Gibbon of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is willing, qualified and should be appointed Guardian ad litem to represent ALFONSO G. SANCHEZ.

10. Mary Galvez, of Guardianship And Care Management Services, P. O.

Box 11065, Albuquerque, NM-87492, (505) 942-5551 is willing, qualified

and should be appointed court visitor acids as a count of the court visitor.

IT IS THEREFORE ORDERED that: 351-5148 & OSMO-14 of much to

A. MIDEOILIA SANCHEZ of 109 Diamond Tall Rds Placitas NM 87043,
Phone (505) 867-8228 is appointed Temporary Guardian and Temporary Conservator for ALFONSO G. SANCHEZ without bond. The temporary guardianship and conservators in shall continue until a hearing of the matter of permanent appointments is held; who are the name of the sanctions the description.

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West San Francisco St./ Suite 2020, Santa Fe, NM 87501, Phone (505) 412 1

D: Mary Galvez, Guardianskip And Care Management Services, P. O.

Box 11065, Albuquerque, NM 87192, (505) 480-6541 is appointed Court Visitor;

E. The powers of the Temporary Guardian shall include the authority to make placement decisions and mental health treatment decisions for "ALFONSO G. SANCHEZ, including the authority to approve the administration of

psychotropic medications, and to approve the injection of those medications, should the in the best interest of ALFONSO G. SANCHEZ as recommended by a physician, and to make those medical decisions necessary to avoid the threat of harm to ALFONSO G. SANCHEZ;

- F. The powers of the Temporary Conservator shall include the authority to use the assets of ALFONSQ.G. SANCHEZ as reasonably necessary to pay for his care;
- G. The powers of the Temporary Guardian and Temporary

 Conservator shall continue until permanent appointment of a guardian and

 conservator but no longer than sixty days from the date of the Court's Order.
- H. Letters of Temporary Guardianship shall be issued to OECILIA
 SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228
 and Letters of Temporary Conservatorship shall be issued to CECILIA
 SANCHEZ of 109 Diamond Tail Rd., Riacitas, NM 87043, Phone (505) 867-8228
 who shall have the power to act independently on behalf of ALFONSO G.
 SANGHEZ of his estate without joinden or consent of ALFONSO G. SANCHEZ:
 - Any previous powers of attorney are hereby revoked:
- J. The Temporary Conservator shall have access to all financial accounts in which ALFONSO G. SANCHEZ has an interest, whether separate or community.
- K. All financial institutions where ALFONSO G. SANCHEZ has a financial interest shall cooperate with the Temporary Conservator and the

Temporary Conservator shall have access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate.

- L. Any financial institutions shall recognize the authority of the Temporary Guardian and Conservator and allow CECILIA SANCHEZ access to YE all financial records and the ability to transact all financial business on Behalfor ALFONSO G. SANCHEZ for accounts including but not limited to the following:

 Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account.
- M. The Temporary Conservator shall not sell any assets of ALFONSO G. SANGHEZ without the approval of this Court, and shall only spend funds of the Estate to ensure proper care for ALFONSO G. SANCHEZ and his estate until the hearing on the permanent appointment of a guardian and conservator is held;
- N. The Guardian ad Litem and the Court Visitor appointed by the Court in this matter, Kate Fitz Gibbon and Mary Galvez shall have access to any and all medical and/or financial information relevant to this person and any provider is hereby authorized to release copies of such records and information to the Guardian ad Litem and Court Visitor. The Guardian ad Litem or Visitor sign a release for the purpose of obtaining those records. Disclosure of ALFONSO G. SANCHEZ's medical and financial information in this context shall not subject the disclosing party to liability nor be considered a violation of HIPAA or similar laws.

 ORIGINAL SIGNED BY:
 JUDGE BARBARA VIGIL

DISTRICT COURT JUDGE

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Tennine R. STEFFY

Attorneys for Petitioner.

Attorneys for Petitioner of the second secon

Albuquerque, New Mexico 1871/13 (505) 237-0064

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IN ITS DISCRETION, APPOINT SOME OTHER QUALIFIED PERSON AS GUARDIAN AND CONSERVATOR. THE COURT MAY ALSO, IN ITS DISCRETION, LIMIT THE POWERS AND DUTIES OF THE GUARDIAN AND CONSERVATOR TO ALLOW ALFONSO G. SANCHEZ TO RETAIN CONTROL OVER CERTAIN ACTIVITIES.

ALFONSO G. SANCHEZ SHALL ATTEND THE HEARING AND BE REPRESENTED BY AN ATTORNEY. THE RETITION MAY BE HEARD AND DETERMINED IN THE ABSENCE OF ALFONSO G. SANCHEZ IF THE COURT DETERMINES THAT THE PRESENCE OF ALFONSO G. SANCHEZ IS NOT REQUIRED. THE COURT MAY, ON ITS OWN MOTION OR ON REQUEST OF ANY INTERESTED PERSON, POSTPONE THE HEARING TO ANOTHER DATE AND TIME.

DATED: GUGUST 19, 2011

SWAIM & FINLAYSON, P.C.

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JEANINE R. STEFFY

Attorneys for Petitioner 4830 Juan Tabo, N.E., Suite F Albuquerque, New Mexico 87111 (505) 237-0064

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STATE OF NEW MEXICO COUNTY OF SANTA FE FIRST JUDICIAL DISTRICT COURT OF SANTA FE

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IN THE MATTER OF THE CUARDIANSHIP THOS WIATER OF THE WAS A CONSO OF SANCHEZ, ANALLEGED INCAPACITATED PERSON.

DETERMINES THAT PRESENCE OF ALFONSO GENERAL SOT OF ALFONSO OF SANCHEZ OF THE COURT OF THE PARTY OF THE PRESENCE OF THE PRESENC

REQUIRED. THE COURT MAY, UNITED OVER MOTION OR ON REQUEST OF AND

ON SEPTEMBER 29, 2011 AT 1:30 P.M. IN THE SANTA FE COUNTY COURTHOUSE, AT SANTA FE, NEW MEXICO, THE HONORABLE JUDGE BARBARA VIGIL AT THE FIRST JUDICIAL DISTRICT COURT, LOCATED AT 100 CATRON STREET, SANTA FE, NEW MEXICO, WILL HOLD A HEARING TO DETERMINE WHETHER A GUARDIAN AND A CONSERVATOR SHOULD BE APPOINTED FOR ALFONSO G. SANCHEZ. THE PURPOSE OF THIS PROCEEDING IS TO APPOINT A GUARDIAN AND CONSERVATOR. A COPY OF THE PETITION REQUESTING APPOINTMENT OF A GUARDIAN AND A CONSERVATOR IS ATTACHED TO THIS NOTICE.

SANCHEZ IS IN NEED OF A GUARDIAN AND CONSERVATOR, THE COURT AT THE HEARING SHALL ALSO CONSIDER WHETHER CECILIA SANCHEZ SHOULD BE APPOINTED AS GUARDIAN OF ALFONSO G. SANCHEZ. THE COURT AT THE HEARING SHALL ALSO CONSIDER WHETHER CECILIA SANCHEZ SHOULD BE APPOINTED AS CONSERVATOR OF ALFONSO G. SANCHEZ. THE COURT MAY,



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ALL PARTIES ENTITLED TO MAILED NOTICE:

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SWAIM & FINLAYSON, P.C.
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Albuquerque, NM 87111

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KATE FITZ GIBBON , WWW.2020 215 West San Francisco St., Suite 2020 Santa Fe, NM 87501

MARY GALVEZ
GUARDIANSHIP AND CARE
MANAGEMENT SERVICES
PO Box 11065
Albuquerque, NM 87192

DR. FEN SARTORIUS 4001 Rodeo Rd. Santa Fe, NM 87507

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